

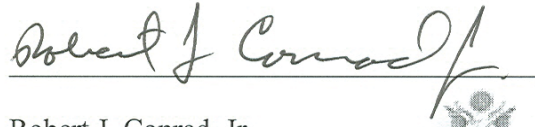
IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:05cv265

HI-TECH, INC.)	
Plaintiff,)	
)	
)	
vs.)	
)	<u>ORDER</u>
LARRY E. RISING, individually and)	
d/b/a AMERICAN AUTOMATION, a sole)	
proprietorship,)	
Defendants/Third-Party Plaintiffs)	
)	
vs.)	
)	
GRS, INCORPORATED, and)	
MAURICE WALKER,)	
Third-Party Defendants)	
)	
)	

On December 5, 2005, the magistrate judge issued a Memorandum and Recommendation in the present case recommending that the defendants’ “Motion to Dismiss Plaintiff’s First Count” be denied as moot. (Doc. No. 38.) The parties were advised that objections were to be filed in writing within ten days after service of the magistrate judge’s decision. The deadline for filing objections has since passed, and neither party has filed objections in this matter. After a careful review of the Memorandum and Recommendation, the Court finds that the magistrate judge’s proposed findings of fact are supported by the record and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the magistrate judge’s recommendations.

THEREFORE, IT IS HEREBY ORDERED that the Defendants’ Motion to Dismiss Plaintiff’s First Count is **DENIED AS MOOT**.

Signed: July 11, 2006


Robert J. Conrad, Jr.
Chief United States District Judge

